



Institut Européen
d'Administration Publique

European Institute
of Public Administration

***The Lisbon Treaty and
its implications for external
relations***

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Malta

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Why the need for change?

‘The need to ‘ensure better **coherence** between foreign policy decisions on the one hand, and deployment of instruments in the field of external relations on the other hand’

*[European Convention, Final Report Working Group VII
– External Action, Dec. 2002]*

‘If we are to make a contribution that matches our potential, we need to be more active, more **coherent** and more capable’

*[A Secure Europe in a Better World: The European Security
Strategy, Dec. 2003]*

‘Unsatisfactory **coordination** between different actions and policies means that the EU loses potential leverage internationally, both politically and economically’

*[Communication from Commission to European Council on
Europe in the World, June 2006]*

‘ ... to ensure our security and meet the expectations of our citizens, we must be ready to shape events. That means becoming more strategic in our thinking, and more **effective and visible** around the world’

[Report on the Implementation of the ESS, 11-12 Dec. 2008]

Intentions of the Lisbon Treaty?

- *Coherence/consistency*
- *Visibility*
- *Drawing together levels of diplomacy*
- *BUT Lisbon Treaty implies distinctions between pillars will remain important*

Legal Personality

(Art. 47 TEU)

The Union shall have legal personality

BUT

‘The Conference confirms that the fact that the European Union has a legal personality will not in any way authorise the Union to legislate or act beyond the competences conferred upon it by the Member States in the Treaties’

[Declaration 24 of the Final Act]

The European Council

(Art. 15 TEU & Dec. 6 on Art. 15)

The President of the European Council shall, at his level and in that capacity, ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy.

AND (Declaration. 6 on Art. 15):

In choosing the persons called upon to hold the offices of President of the European Council, President of the Commission and High Representative of the Union for Foreign Affairs and Security Policy, due account is to be taken of the need to respect the geographical and demographic diversity of the Union and its Member States.

BUT gender & political?

GAC & FAC

(Art. 16.6 TEU)

...The **General Affairs Council** shall ensure *consistency in the work* of the different Council configurations. It shall prepare and ensure the follow-up to meetings of the European Council, in liaison with the President of the European Council and the Commission.

The **Foreign Affairs Council** shall *elaborate the Union's external action* on the basis of strategic guidelines laid down by the European Council and ensure that the Union's action is consistent.

GAC & FAC

(Art. 16.6)

... general support for taking the description in the current Rules of Procedure of the division between the two parts of the GAERC as a useful basis for future decisions.

[POLGEN 66 10650/08, 13 June 2008]

- **GAC:** preparation/follow-up EC meetings, overall coordination of policies, institutional and administrative issues, financial perspectives, multilateral trade policies; programming and enlargement as well as cross-cutting issues;
- **FAC:** CFSP/CSDP; trade issues (with regard to third parties); development & humanitarian aid
- **BUT:** differences over trade, budget issues, civil protection and the solidarity clause

The European Commission and its President

(Art. 17.1-8 TEU)

- **Pres. Commission decide on the internal organisation of the Commission, ensuring that it acts consistently, efficiently and as a collegiate body;**
- **With the exception of the common foreign and security policy, and other cases provided for in the Treaties, it shall ensure the Union's external representation;**
- ~~**As of 1 November 2014, the Commission shall consist of a number of members, including its President and a HR of the Union for Foreign Affairs and Security Policy, corresponding to two thirds of the number of Member States, unless the European Council, acting unanimously, decides to alter this number.**~~

The High Representative of the Union for Foreign Affairs and Security Policy

(Art. 18/22/24 TEU)

- Appointed by the European Council by QMV, with consent of Pres. Commission and approval of EP (along with College)
- HR shall 'conduct the Union's common foreign and security policy'
- He/she shall contribute by his or her proposals to the development of that policy
- HR shall preside over the Foreign Affairs Council
- HR shall be one of the VP's of the Commission, ensuring the consistency of the Union's external action, and be responsible '*within the Commission for responsibilities incumbent upon it in external relations and for coordinating other aspects of the Union's external action*';
- He/she shall conduct political dialogue with third parties on the Union's behalf and shall express the Union's position in international organisations and at international conferences.

The HR as Vice-President of the Commission

(Arts. 17(1), 17(6), 18(4) & 27(3) TEU)

- **Commission to act consistently, efficiently and as a collegiate body** (need for formal/informal hierarchies?)
- **HR represents the Union for matters relating to CFSP** (and President of the European Council also has a specific CFSP mandate)
- **HR/VP shall ensure the consistency of the EU's external action**
- **Bound by Commission procedures for Commission-related responsibilities**
- **EEAS applies primarily to the HR and not the VP role** (thus, question of who/what supports the VP part of HR/VP?)
- **Funding role:** ENPI, Instrument for Stability, European Instrument for Democracy and HR, CFSP budget

High Representative of the Union for Foreign Affairs and Security Policy

Chair
Foreign Affairs Council
Commissioners

Vice-President
Ext Action

assisted by a European External Action Service

shall conduct the Union's CFSP/CSDP

...conduct political dialogue with third parties and shall express the Union's position at int. conferences

...coordinate action in int. orgs and int. conferences (inc. UNSC)

...coordinates civ/mil aspects of CSDP

... 'shall ensure the consistency of the Union's external action ... be responsible within the Commission for responsibilities incumbent on it in external relations'



...joint proposal from HR & Commission for econ. sanctions

...Union delegations shall be the HR

Union Delegations

(Art. 32, 35, 221)

- Union delegations in third countries and at international organisations shall represent the Union;
- Union delegations *shall* be placed under the authority of the High Representative of the Union for Foreign Affairs and Security Policy. They *shall* act in close cooperation with Member States' diplomatic and consular missions ... and shall contribute to formulating and implementing the common approach... *shall* cooperate in ensuring that the decisions defining Union positions and actions adopted pursuant to this Chapter are complied with and implemented ...

Union Delegations

(Art. 32, 35, 221)

- **Delegation under HR/VP authority**
- **Structurally part of EEAS but staff come from Service and Commission**
- **EU delegations replace rotating Presidency (changes implemented during 2010)**
- **HOMs appointed by Commission on recommendation of HR/VP**
- **Delegations to IOs need further consideration**

European External Action Service

(Art. 27.3 TEU)

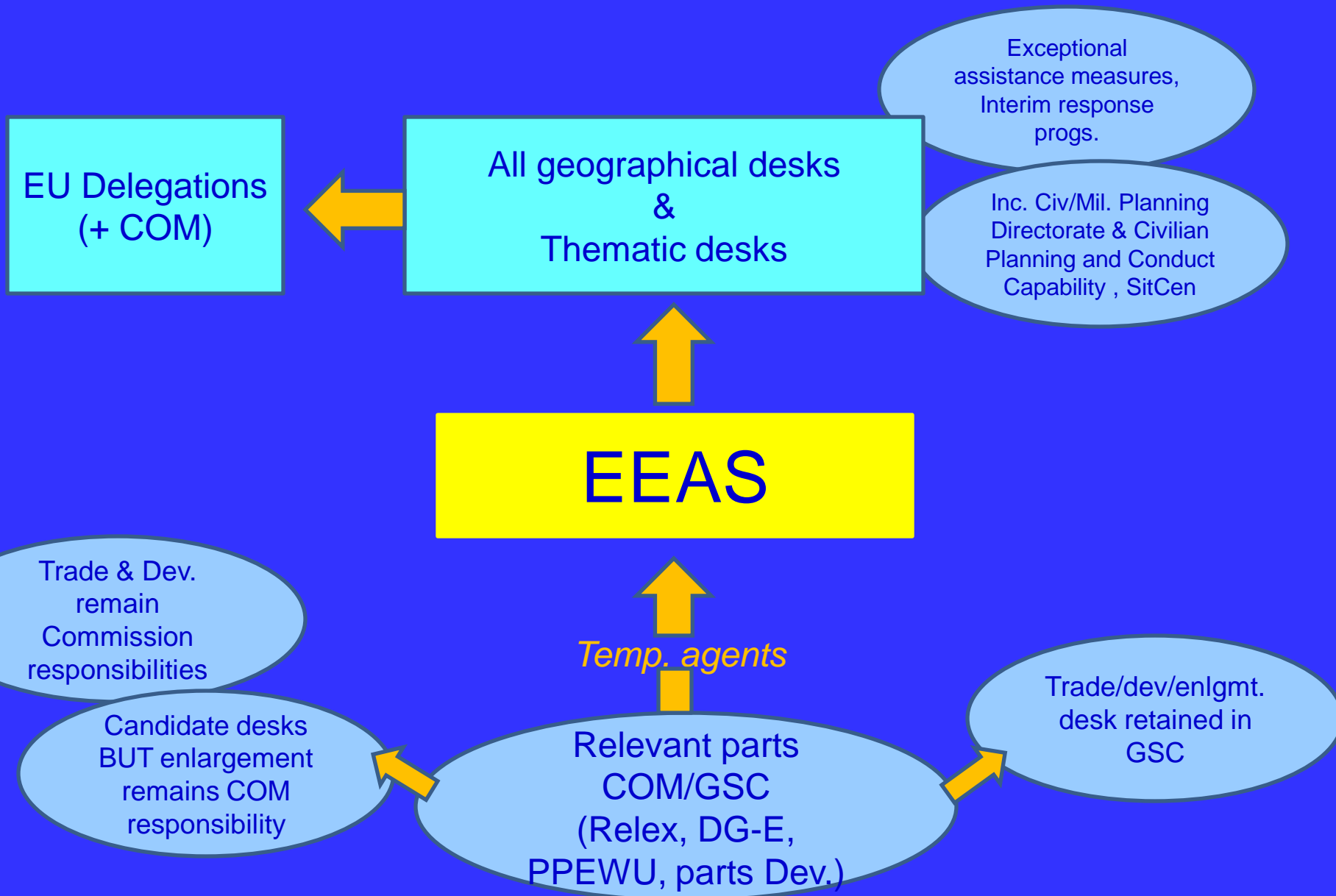
... ‘the High Representative shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from the relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from the diplomatic services of the Member States. The organisation and functioning of the [EEAS] shall be established by a decision of the Council. The Council shall act on a proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission’.

European External Action Service

(Art. 27.3 TEU/Dec. 15)

- **Assists HR/VP but may also support Pres. EC and Commission & Commissioners as appropriate**
- **Geographical desks covering all countries with focus on policy (thematic desks?) – implementation left with Commission**
- **Trade, enlargement, humanitarian aid, development policy and implementation within Commission (programming?)**
- **Relies upon Commission for some admin. support (but EEAS will have admin. budget while Commission keeps budgetary responsibility for programmes)**
- **Commission staff keep status, MS staff temp. agents (with same rights and obligations as EU officials) with 1/3 from MS & geographical balance**

European External Action Service



European External Action Service

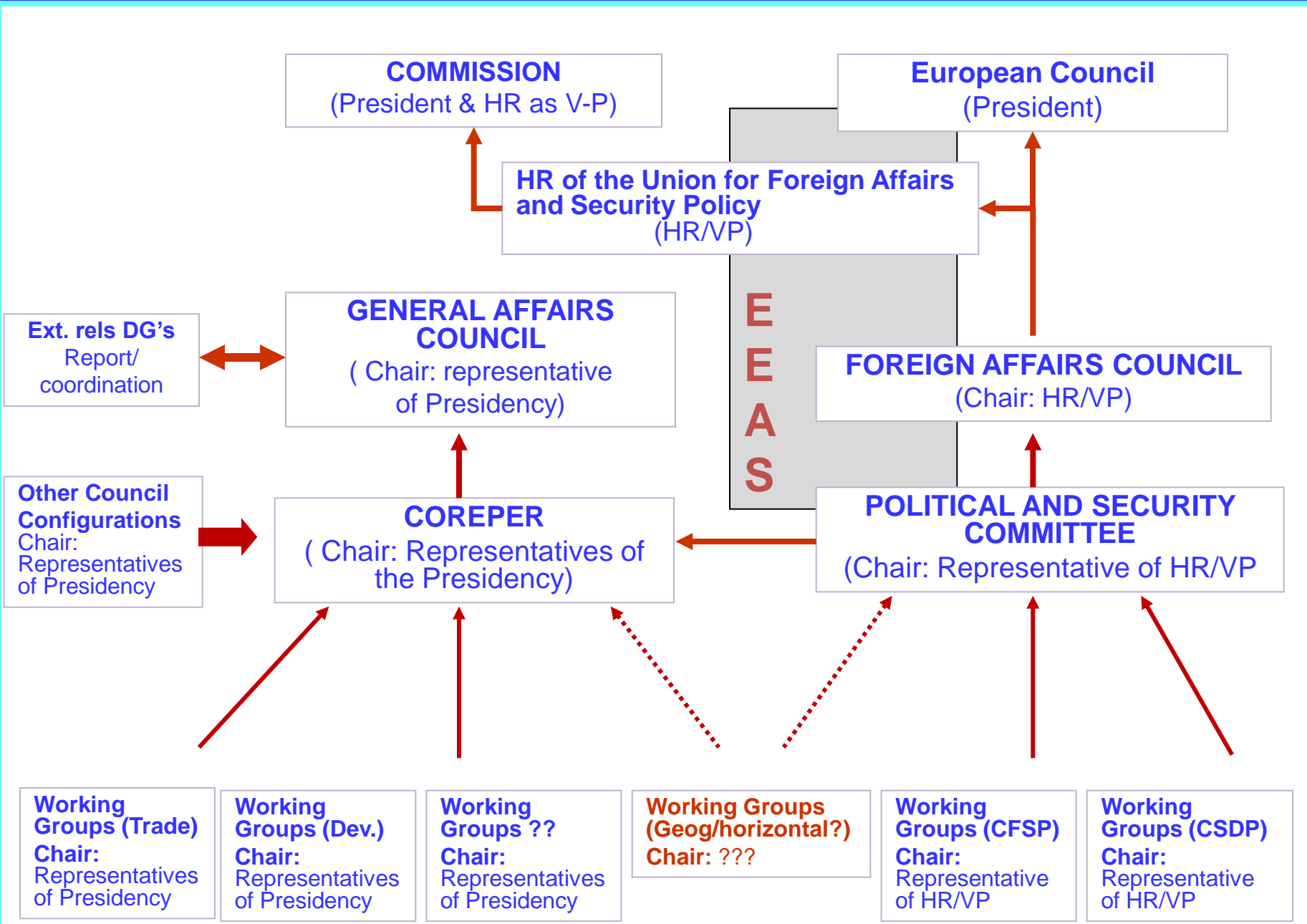
(Art. 27.3 TEU/ Dec. 15)

- **HR/VP to examine parameters of recruitment**
- **From CSG Policy Unit should be immediately available to assist HR/VP (+ mise à la disposition if necessary)**
- Longer term depends upon a decision of the Sec-Gen including **DG-E** (except Trade/Dev. directorates), **CPCC**, **EUMS**, **SITCEN** (external aspects)
- From **Commission** support of DG Relex & EU Delegations
- **SR's serve under authority of HR** (until 28 Feb. 2008)

European External Action Service

(Art. 27.3 TEU/ Dec. 15)

- **Three stage implementation:**
 - Stage 1:** Entry into force of treaty and Council decision on EEAS (within 1 month of entry into force of treaty)
 - Stage 2:** Establishment of EEAS from Council decision to 'full cruising speed' (Approx. June 2010-2012)
 - Stage 3:** Final shape of EEAS (report by end of Commission term 2014)
- **An 'institution' in budgetary terms (like C'ttee of Regions or the Ombudsman) covering salaries, IT, external staff, missions, conferences etc...**



Behind the closed doors ...

You will be divided into groups. Each group will be set three questions to discuss:

- 1) To what extent do you think that the Lisbon treaty will make EU external relations more coherent and effective?**
- 2) Will the new institutions and structures be easier to understand and work with?**
- 3) Will the proposed changes make the EU a more political actor and less of a sectoral actor?**

Please appoint a *rapporteur* for each group and prepare for a plenary session when we will review your discussions

Further reading

- Avery, Graham, 'Europe's Future Foreign Service', *The International Spectator*, 43:1 March 2008, 29-41.
- Brok, Elmar, *Report on the institutional aspects of setting up the European External Action Service*, Committee on Constitutional Affairs, A7-0041/2009, 20 October.
- Crowe, Brian, 'The European External Action Service: Roadmap for Success', *Chatham House Policy Paper*, May 2008.
- Duke, Simon, 'The Lisbon Treaty and External Relations', *Eipascope*, 2008/1.
- Maurer, Andreas & Lieb, Julia, 'Creating the External Action Service: Preconditions to avoid a rude awakening', *SWP Comments* 13, 2008.
- Missiroli, Antonio et al., 'The EU Foreign Service: how to build a more effective common policy', *EPC Working Paper* 28, Nov. 2007.

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